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SUBJECT: SPEAKER SAMMARRAIE ADDRESSES CONCERNS OVER IHEC
AND ELECTION LAW

Classified By: Ambassador Christopher R. Hill, for reasons 1.4 b and d.

¶1. (C) Summary: Iraqi Council of Representatives Speaker Ayad Sammarraie told the Ambassador October 11 that as a result of the harsh interrogation of the Independent High Electoral Commission (IHEC) chairman October 5, it was possible that the COR would dismiss two IHEC commissioners. The Ambassador took vigorous issue with Sammarraie's calm assertions that such action seemed inevitable and would not risk delaying the January 2010 elections. The Ambassador termed such action misguided and urged the Speaker to consult urgently with UNAMI, which, he noted, is almost ready to warn publicly that if even one commissioner is removed, the elections may be delayed. Sammarraie described the political charge against IHEC as being led by the Shia party Fadhila, but with the support of Islamic Supreme Council of Iraq (ISCI). Regarding the election law, Sammarraie expressed confidence that, despite the IHEC political drama, it would be approved by the end of next week of COR business (October 19). The Speaker said he had private assurances from Arab and Turkomen COR members to accept modest work-arounds for the Kirkuk issue, although such action would be last minute, following a week of their angry rhetoric and extreme proposals aimed at persuading Kurds to be more flexible. Sammarraie doubted that there was serious opposition to the package of amendments for the Investment Law -- and expressed hope it could be re-introduced soon for COR consideration. The Ambassador also put in a plug for passage of the Trade and Investment Agreement (TIFA) and the OPIC Investor Incentive Agreement (IIA). End Summary.

A WARNING ABOUT RISKS OF ATTACKING IHEC

¶2. (C) The Ambassador raised concerns that the political attacks on the Independent High Electoral Commission (IHEC) -- and calls for the removal of some IHEC commissioners -- had reached a critical point. Sammarraie acknowledged that there was extensive political support in the COR for the harsh interrogation of IHEC Chairman Faraj al-Haydari. With a somewhat disconcerting calm, Sammarraie said that it might be necessary to remove two of the IHEC commissioners, implying strongly that Haydari and fellow commissioner Qasim al-Aboudi would be the two slated for dismissal. In his view, the normally nine-member Board of Commissioners of IHEC could smoothly continue its work with just seven members, if the dismissals occurred quickly. (COMMENT: Some contacts insist that if the two are dismissed, they will be replaced with party-affiliated hacks much less independent -- and capable -- than their predecessors. END COMMENT.)

DISCOUNTING FEARS THAT DISMISSALS COULD DELAY ELECTIONS

¶3. (C) Sammarraie discounted the Ambassador's concern that once the dismissals began, the COR might not stop at one or two dismissals. Reciting conversations that he had had with a few of the party activists who had organized the COR interrogation, Sammarraie seemed confident that the majority

of the COR would be satisfied with a couple of dismissals. He also noted that most COR members did not support the notion that taking such strong action against IHEC would necessarily stop IHEC from doing its work. Pushing back hard, the Ambassador noted that UNAMI was very concerned -- and almost ready to warn publicly -- that if even one commissioner is removed, the elections might have to be delayed. (NOTE: UNAMI did issue a statement to this effect Qdelayed. (NOTE: UNAMI did issue a statement to this effect on October 11. END NOTE.) Pushing harder, the Ambassador told the Speaker that while he did not want to exaggerate, it would not be inappropriate to descDQ6Lsh4HQO_Q'+k!Qemployees at IHEC allegedly had taken advantage of their positions to gain monetary benefits or privileges; and reported IHEC countenancing fraudulent election results in particular places. Given those charges, some parties no longer trust IHEC as currently constituted to organize the elections, explained Sammarraie (COMMENT: As we have noted elsewhere, the parties leading the charge against IHEC, such as Fadhila, ISCI, and the Sunni Iraqi Islamic Party did poorly in the January 2009 provincial elections and harbor an animating grudge against the electoral commission, blaming it for their poor performance and hoping to establish a convenient scapegoat in case electoral history repeats itself. END COMMENT.)

¶6. (C) Taking issue, the Ambassador insisted that political parties are exaggerating IHEC's sins, as well as its ability to manipulate elections results. The key factor is UNAMI's close oversight of IHEC; UNAMI's Electoral Assistance Unit is fully integrated with IHEC and has established controls that would inhibit significant electoral fraud. The Ambassador also expressed concern that the COR's efforts to "fix" problems at IHEC would "mess it up completely" and questioned whether some political parties had other agendas, including possibly trying to delay the January elections. The Speaker responded that it was "not easy to answer that question" and refused to elaborate further.

¶7. (C) The Ambassador returned to the role of ISCI in supporting the attack on IHEC, musing aloud whether with the turnover in leadership with the death of Abdul Aziz al-Hakim, the son Ammar was providing the necessary leadership. Sammarraie did not respond directly, merely providing background on political elements that were supportive of the attack on IHEC.

MORE OPTIMISTIC ON PROSPECTS FOR ELECTION LAW

¶8. (C) Regarding the election law, Sammarraie expressed confidence that it would be approved by the end of the full week in the COR (October 19). He told the Ambassador to expect some heated discussions and extreme proposals from the Arabs and Turkomen on the issue of Kirkuk's participation in the elections, but described them as tactics that were being used to pressure the Kurds to be flexible. Sammarraie said that he had held private discussions with Arab and Turkomen representatives and believed he had their commitment that in the end they would settle for something much more modest than what they were demanding in public.

¶9. (C) In general, Sammarraie expressed optimism that despite the challenges, the COR would rise to the occasion and pass the election law. He noted that the Iraqis -- while they might engage in messy disagreements and perhaps accept less than optimal solutions -- would overcome these political problems and ensure that the elections are held on time.

WHAT HAPPENED TO THE INVESTMENT LAW?

¶10. (C) The Ambassador also raised with the Speaker the investment law, expressing disappointment that the COR had Qinvestment law, expressing disappointment that the COR had not passed the necessary amendments. Sammarraie said it was not clear if there was some real opposition and members had manipulated quorum requirements October 6 to stop

consideration of the amendments. His best assessment was that the economic and investment committee had done a poor job of presenting the amendments and confused COR members into thinking there was an entire new investment law up for consideration. He said he had conferred with committee chairman Haidar Ebadi and expressed hope the amendments could be re-introduced for consideration this coming week.

TIFA AND OPIC LAWS

¶11. (C) On a related matter, the Ambassador and Sammarraie agreed that it was also important for the COR to pass key bilateral agreements, including the Trade and Investment Agreement (TIFA) and the OPIC Investor Incentive Agreement (IIA). (NOTE: These two, with the Bilateral Assistance

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THE POLITICS BEHIND THE ATTACK ON IHEC

¶15. (C) Sammarraie described the political charge against IHEC as being led by the Shia party Fadhila, but with the support of ISCI. (Note: Sunni elements in the COR are also highly critical of IHEC and have supported the interrogation and calls for dismissals.) The Kurds are standing with the IHEC chairman (a fellow Kurd and KDP activist), according to the Speaker. There were two basic charges: administrative corruption, in which employees at IHEC allegedly had taken advantage of their positions to gain monetary benefits or privileges; and reported IHEC countenancing fraudulent election results in particular places. Given those charges, some parties no longer trust IHEC as currently constituted to organize the elections, explained Sammarraie (COMMENT: As we have noted elsewhere, the parties leading the charge against IHEC, such as Fadhila, ISCI, and the Sunni Iraqi Islamic Party did poorly in the January 2009 provincial elections and harbor an animating grudge against the electoral commission, blaming it for their poor performance and hoping to establish a convenient scapegoat in case electoral history repeats itself. END COMMENT.)

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Agreement (BAA), and an MOU for Cooperation on Supporting Reform and Capacity Building in the Agriculture Sector form a package that the COR will consider together. END NOTE.). Sammarraie said that the Maliki government had not made passage of these agreements a priority, which had slowed consideration in the COR. The Ambassador highlighted the importance of both agreements, noting how they would complement a new investment law and improve the climate for American investors in Iraq. He further noted that at the upcoming investor conference in Washington, some 300 business executives had signed up to attend, representing key fields such as oil, computers, and telecommunications. Passage of these agreements would convince investors that there were clear rules of the road ahead for investment in Iraq.

BACK TO THE FUTURE WITH HIS VISIT

¶12. (C) The Speaker raised the issue of his visit to Washington again and noted that "his people" in Washington had gotten back to him in the past week, suggesting a new date in the first week of November. The Ambassador pointed to the extremely important business the Speaker was tending to here in Baghdad, such as the election and investment laws, and underscored that the Embassy and the Department would do everything necessary to facilitate a successful visit once the crucial parliamentary business was accomplished.

HILL